

SUPREME COURT STATE OF NEW YORK
COUNTY OF BRONX

-----X
JANE DOE,

Plaintiff,

-against-

CHILDREN'S AID, 910 EAST 172ND STREET, LLC,
CHILDRENS AID SOCIETY, MILBANK HOUSING
DEVELOPMENT FUND CORP, 1218 SOUTHERN BLVD.,
LLC, 1232 SOUTHERN BLVD., LLC,
WILLIAM WEISBERG, COLETTE ROBERTSON,
ALBERTO C. YARD.

Defendant(s).
-----X

Index No.

Plaintiff designates
Bronx County as the place of
trial.

SUMMONS

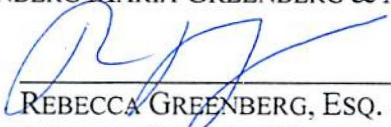
Plaintiff resides in Bronx
County, New York.

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Purchase, New York
November 18, 2019

GREENBERG MARIA GREENBERG & ASSOCIATES

By: 
REBECCA GREENBERG, ESQ.
Attorney for Plaintiff
301 Old Tarrytown Road
White Plains, New York 10603
(833) 842-8469

SUPREME COURT STATE OF NEW YORK
COUNTY OF BRONX-----X
JANE DOE,

Index No.

Plaintiff,

-against-

VERIFIED COMPLAINTCHILDREN'S AID, 910 EAST 172ND STREET, LLC,
CHILDRENS AID SOCIETY, MILBANK HOUSING
DEVELOPMENT FUND CORP, 1218 SOUTHERN BLVD.,
LLC, 1232 SOUTHERN BLVD., LLC.
WILLIAM WEISBERG, COLETTE ROBERTSON.
ALBERTO C. YARD.Defendant(s).
-----X

Plaintiff, JANE DOE, by her attorneys, Greenberg, Maria. Greenberg & Associates, complaining of the above-named defendants, CHILDREN'S AID, 910 EAST 172ND STREET, LLC ("910 LLC"), CHILDRENS AID SOCIETY, MILBANK HOUSING DEVELOPMENT FUND CORP ("MILBANK"), 1218 SOUTHERN BLVD., LLC ("1218 LLC"), 1232 SOUTHERN BLVD., LLC ("1232 LLC"), WILLIAM WEISBERG ("WEISBERG"), (together collected referred hereinafter as "TCAS"), COLETTE ROBERTSON ("ROBERTSON"), and ALBERTO C. YARD ("YARD"), respectfully alleges upon information and belief as follows:

AS AND FOR A FIRST CAUSE OF ACTION

1. That at all times hereinafter mentioned, the plaintiff JANE DOE ("DOE") was and is a resident of the County of Bronx, State of New York.
2. That at all times hereinafter mentioned the defendant CHILDREN'S AID was and is a corporation duly organized and existing under and by virtue of the laws of the State of New York.

3. That at all times hereinafter mentioned the defendant CHILDREN'S AID SOCIETY was and is a corporation duly organized and existing under and by virtue of the laws of the State of New York.

4. That at all times hereinafter mentioned the defendant CHILDREN'S AID was a d/b/a of defendant CHILDREN'S AID SOCIETY.

5. That at all times hereinafter mentioned the defendant MILBANK was and is a corporation duly organized and existing under and by virtue of the laws of the State of New York.

6. That at all times hereinafter mentioned the defendant 910 LLC was and is a corporation duly organized and existing under and by virtue of the laws of the State of New York.

7. That at all times hereinafter mentioned the defendant 1218 LLC was and is a corporation duly organized and existing under and by virtue of the laws of the State of New York.

8. That at all times hereinafter mentioned the defendant 1232 LLC was and is a corporation duly organized and existing under and by virtue of the laws of the State of New York.

9. Upon information and belief, at all relevant times described herein, defendant ROBERTSON was an employee of TCAS.

10. Upon information and belief, at all relevant times described herein, ROBERTSON was acting with the knowledge, authority and consent of her employer TCAS.

11. Upon information and belief, at all relevant times described herein, defendant WEISBERG was employed by TCAS as Executive Vice President and Chief Operating Officer.

12. Upon information and belief, at all relevant times described herein, WEISBERG was acting with the knowledge, authority and consent of his employer, TCAS.

13. Upon information and belief, at all relevant times described herein, defendant YARD took naked photographs of DOE without DOE'S knowledge or permission.

14. Upon information and belief, at all relevant times described herein, defendant YARD, acting in concert with ROBERTSON, took photographs of DOE without DOE'S knowledge or permission.

15. Throughout the dates 2006 and 2013, ROBERTSON assaulted DOE, including taking nude photographs of DOE, without DOE'S consent or knowledge or the consent or knowledge of DOE'S legal guardians including her natural mother and natural father.

16. Throughout the dates 2006 and 2013, ROBERTSON battered DOE, including taking nude photographs of DOE, without DOE'S consent or knowledge or the consent or knowledge of DOE'S legal guardians including her natural mother and natural father.

17. Throughout the dates 2006 and 2013, ROBERTSON took physical custody of DOE and transported her to various apartments occupied by ROBERTSON and YARD where YARD and ROBERTSON took nude photographs of DOE, while DOE was an infant, without DOE'S knowledge, permission or consent and without the knowledge or the consent or knowledge of DOE'S legal guardians including her natural mother and natural father.

18. ROBERTSON had a legal duty of care to protect Plaintiff DOE and keep her free from harm and provide for her safety.

19. DOE did not consent to any of the sexual exploitation and/or promotion of and/or sexual abuse that was performed by ROBERTSON and YARD.

20. DOE was not capable, legally or otherwise, to consent to any of the sexual exploitation and/or promotion of a minor that was performed by ROBERTSON and YARD.

21. DOE was forced and coerced into participating in the sexual exploitation and/or promotion of a minor that was performed by ROBERTSON and YARD.

22. ROBERTSON and YARD both pled guilty to violations of Federal Statute 18 US Code 2251(e), Conspiracy to Sexually Exploit Children, which criminal prosecution was conducted in United States District Court, Eastern District of New York under Federal Criminal Case No. 13-cr-486-KAM, and which offenses were committed against multiple children, including JANE DOE. Annexed hereto as Exhibit "A" is the Judgment in a Criminal Case of YARD entered by the Hon. Kiyo Matsumoto on February 3, 2016 and annexed hereto as Exhibit "B" is the Judgment in a Criminal Case of ROBERTSON entered by the Hon. Kiyo Matsumoto on August 14, 2015.

23. As a result of ROBERTSON and YARD'S conduct and violation of her duty of care, DOE suffered an assault under New York State common law and have suffered damages therefrom.

24. By reason of the foregoing, the plaintiff JANE DOE has been damaged in a sum that exceeds the jurisdiction of all lower courts of competent jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION

25. Plaintiffs repeat and reallege each and every allegation contained in those paragraphs of the complaint marked and numbered previously with the same force and effect as if more fully set forth at length herein.

26. At all times mentioned, upon information and belief, defendant COLETTE ROBERTSON was a child care provider employed by TCAS.

27. At all relevant times, ROBERTSON within the scope of her employment as a home health aid by TCAS provided home based care for DOE.

28. At all relevant times, ROBERTSON within the scope of her employment as a home health aid by TCAS, provided home based care for DOE as part of a TCAS Homemaker Service Program.

29. At all relevant times, ROBERTSON performed household duties within the scope of her employment as a home health aid by TCAS for DOE while DOE was an infant which included the care and supervision of DOE.

30. At all relevant times TCAS owed DOE a duty of reasonable care, which duty included instituting reasonable hiring, screening, supervision and retention of its employees.

31. At all relevant times, TCAS knew or should have known that ROBERTSON behaved in an indecent and/or inappropriate manner with the children while in the course of her employment.

32. At all relevant times any reasonable investigation by TCAS would have revealed that ROBERTSON was unfit to work as a home care attendant for children including DOE, where ROBERTSON was given responsibility for the care of young children..

33. TCAS knew, or in the exercise of reasonable care should have known, that ROBERTSON posed a grave threat to the physical and psychological wellbeing and safety of children who were under her care.

34. TCAS knew, or in the exercise of reasonable care should have known, that ROBERTSON would have access to other children who entered the household in which she was acting as a home care attendant.

35. TCAS was negligent and failed to use reasonable care in the employment, hiring, training, retention and supervision of its employees, agents, servants, employees, and/or others acting within their control, particularly defendant COLETTE ROBERTSON.

36. TCAS breached its duty to DOE by failing to conduct a reasonable and/or any background investigation concerning ROBERTSON.

37. TCAS breached its duty to DOE by failing to contact any references or prior employers of ROBERTSON.

38. TCAS breached its duty to DOE by failing to adequately supervise either ROBERTSON or JANE DOE Plaintiff, which would have prevented ROBERTSON from sexually battering the Plaintiff.

39. TCAS breached its duty to DOE by failing to adequately train its employees, including ROBERTSON, in proper procedures for managing and supervising young children.

40. TCAS breached its duty to DOE by failing to act upon suspicions and complaints of improper and/or illegal behavior by ROBERTSON, including incidents of child harassment and sexual abuse of which the Defendant knew or, in the exercise of reasonable care, should have known.

41. Defendants failure to use reasonable care in the employment, hiring, training, retention and supervision of its employees, agents, servants, employees, and/or others acting within their control, particularly defendant COLETTE ROBERTSON, was the direct and proximate cause of JANE DOE'S subsequent sexual abuse and injury.

42. That as a consequence of the above, JANE DOE suffered extreme emotional distress, violations of her rights, loss of dignity, and considerable pain and suffering.

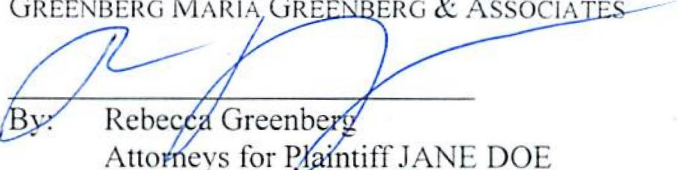
43. That as a result of the foregoing, Plaintiff experienced pain and suffering, required incurred expenses, and has been damaged in the amount exceeding the jurisdiction of the lower courts.

WHEREFORE Plaintiff demands judgment as against the defendants in a sum that exceeds the jurisdiction of all lower courts of competent jurisdiction.

Dated: White Plains, New York
November 18, 2019

Yours, etc.

GREENBERG MARIA GREENBERG & ASSOCIATES


By: Rebecca Greenberg
Attorneys for Plaintiff JANE DOE
301 Old Tarrytown Road
White Plains, New York 10603
(833) 842-8469

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

REBECCA GREENBERG, being an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms the following under the penalties of perjury:

I am a partner of the law firm GREENBERG MARIA GREENBERG & ASSOCIATES, attorneys for the plaintiff JANE DOE. I have read the annexed Verified Complaint, know the contents thereof and the same are true to my knowledge except as to those matters therein stated to be based upon information and belief, and as to those matters, I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon correspondence and general investigation furnished by the said plaintiffs.

The reason I am executing the within Verification is that the plaintiffs reside in a county other than the county wherein Greenberg Maria Greenberg & Associates maintains offices for the practice of law.

Dated: Purchase, New York
 November 18, 2019



REBECCA GREENBERG

EXHIBIT A

AO 245B (Rev. 10/15) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

v.

Alberto C. Yard

JUDGMENT IN A CRIMINAL CASE

Case Number: 13CR486[KAM]

USM Number: 82556-053

Devereaux Leon Cannick

Aiello & Cannick

69-06 Grand Avenue

Maspeth, NY 11378

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of a 13 count Indictment☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 2251(e)	Conspiracy to Sexually Exploit Children, Class B felony	7/2/2013	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☒ Count(s) 2-13 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

February 3, 2016

Date of Imposition of Judgment

s/KAM

Signature of Judge

Kiyo A. Matsumoto, USDJ

Name and Title of Judge

February 3, 2016

Date

AO 245B (Rev. 10/15) Judgment in Criminal Case
Sheet 2 — ImprisonmentJudgment — Page 2 of 6DEFENDANT: Alberto C. Yard
CASE NUMBER: 13CR486[KAM]**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

27 years.

✓ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that Mr. Yard be designated to a correctional facility close to the New York Metro area to facilitate family visits, or a facility that offers the Sex Offender Treatment Program- Residential (SOTP-R) at the appropriate time, and that Mr. Yard be provided with mental health treatment services.

Mr. Yard is encouraged to participate in the BOP's Financial Responsibility Program that will assist him with his assessment payment and any restitution which may be ordered.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHALBy _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Alberto C. Yard
CASE NUMBER: 13CR486[KAM]

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

Life.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☒ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment, or if such prior notification is not possible, then within forty eight hours after such change.
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Alberto C. Yard
CASE NUMBER: 13CR486[KAM]

SPECIAL CONDITIONS OF SUPERVISION

- I. Compliance with Sex Offender Notification and Registration requirements pursuant to 42 U.S.C. §§ 16913(a)-(c) and 18 U.S.C. § 4042 (c).
- II. The defendant shall participate in a mental health treatment program, which may include participation in a treatment program for sexual disorders, as approved by the Probation Department. The defendant shall contribute to the cost of such services rendered and/or any psychotropic medications prescribed to the degree he is reasonably able, and shall cooperate in securing any applicable third party payment, such as insurance or Medicaid. He shall disclose all financial information and documents to the Probation Department to assess his ability to pay. As part of the treatment program for sexual disorders, defendant shall participate in a polygraph examination to obtain information necessary for risk management and correctional treatment.
- III. Defendant shall disclose truthful financial information and documents to the Probation Department to assess his ability to pay for treatment services.
- IV. If an identified victim completes a loss affidavit, Mr. Yard shall pay the victim's health treatment expenses, to the extent necessary.
- V. The defendant shall not have or attempt to have direct or indirect contact with the victims. This means he shall not attempt to meet in person, communicate by letter, telephone, email, the Internet, or through a third party, without the knowledge and permission of the U.S. Probation Department.
- VI. Defendant will not associate or contact with convicted sex offenders nor shall he associate with any child(ren) under the age of 18 unless a responsible adult is present and he has prior approval from the U.S. Probation Department.
- VII. Mr. Yard is prohibited from viewing, owning or possessing obscene, or sexually stimulating visual or auditory materials. Mr. Yard shall cooperate with the U.S. Probation Department's Computer and Internet Monitoring program.
- VIII. If the defendant cohabitates with an individual who has minor children, the defendant will inform that other party of his prior criminal history concerning his sex offense. Moreover, he will notify the party of his prohibition of associating with any children under the age of 18, unless a responsible adult is present.
- IX. Mr. Yard shall submit his person, residence, place of business, vehicle, or any other premises under his control to a search on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the conditions of release may be found. The search must also be in a reasonable manner and at a reasonable time. Failure to submit to a search may be grounds for revocation, and Mr. Yard shall inform any other residents that the premises may be subject to search pursuant to this condition.
- X. The defendant is not to use a computer, Internet capable device, or similar electronic device to access child pornography of any kind. The term "child pornography" shall include images or videos of minors engaged in "sexually explicit conduct" as that term is defined in U.S.C. § 2256 (2). Mr. Yard shall also not use a computer, Internet-capable device, or similar electronic device to view images of naked children. Mr. Yard shall not use his computer to view child pornography or images of naked children stored on related computer media, such as CDs or DVDs, and shall not communicate via his computer with any individual or group that promotes child pornography or the sexual abuse of children.
- XI. Mr. Yard shall not purchase or possess photographic or video equipment without prior knowledge and permission of the U.S. Probation Department.
- XII. Mr. Yard shall not possess a firearm, ammunition, or destructive device.
- XIII. Mr. Yard is encouraged to participate in the BOP Financial Responsibility Program to assist him with his assessment payment and any restitution which may be ordered.

RESTITUTION

The record will remain open for 90 days to receive affidavits of loss from the defendants' victims to indicate any monetary loss resulting from the instant offense.

Judgment — Page 5 of 6

DEFENDANT: Alberto C. Yard
CASE NUMBER: 13CR486[KAM]

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0	The record will remain open for 90 days to receive affidavits from defendant's victims.

- ☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	\$ _____
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- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Judgment — Page 6 of 6DEFENDANT: Alberto C. Yard
CASE NUMBER: 13CR486[KAM]**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
All payments shall be mailed to the Clerk of Court. U.S. District Court. 225 Cadman Plaza East, Brooklyn, New York 11201.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

EXHIBIT B

AO 245B

(Rev. 09/11) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

v.

Colette Robertson

JUDGMENT IN A CRIMINAL CASE

Case Number: 13CR486[KAM]

USM Number: 82605-053

Paul P. Martin

1825 Park Avenue

Suite 1102

New York, NY 10035

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of a 13 count Indictment (Named in counts 1, 2-7 and 11)☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 2251(e)	Conspiracy to Sexually Exploit Children, Class B felony	7/24/2013	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☒ Remaining Counts 2-7 and 11 of the indictment are dismissed on the motion of the United States

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

August 10, 2015

Date of Imposition of Judgment

s/KAM

Signature of Judge

Kiyo A. Matsumoto., USDJ

Name and Title of Judge

August 10, 2015

Date

AO 245B (Rev. 09/11) Judgment in Criminal Case
Sheet 2 — ImprisonmentJudgment — Page 2 of 6DEFENDANT: Colette Robertson
CASE NUMBER: 13CR486[KAM]**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Twenty- five (25) years

✓ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that Ms. Robertson be designated to a correctional facility as close to the New York Metro area, or another facility that offers the Sex Offender Treatment Program- Residential (SOTP-R), and that Ms. Robertson be provided with mental health and sex offender treatment, and treatment for her current medical condition.

☐ The defendant is remanded to the custody of the United States Marshal.☐ The defendant shall surrender to the United States Marshal for this district:☐ at _____ ☐ a.m. ☐ p.m. on _____☐ as notified by the United States Marshal.☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:☐ before 2 p.m. on _____☐ as notified by the United States Marshal.☐ as notified by the Probation or Pretrial Services Office.**RETURN**

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

AO 245B (Rev. 09/11) Judgment in a Criminal Case
Sheet 3 — Supervised Release

Judgment—Page 3 of 6

DEFENDANT: Colette Robertson
CASE NUMBER: 13CR486[KAM]

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

Life.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☒ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 09/11) Judgment in a Criminal Case
Sheet 3C — Supervised Release

Judgment—Page 4 of 6

DEFENDANT: Colette Robertson
CASE NUMBER: 13CR486[KAM]

SPECIAL CONDITIONS OF SUPERVISION

- A. Ms. Robertson shall comply with the sex offender registration requirements mandated by law.
- B. The defendant shall participate in a mental health and sex offender treatment program, which may include participation in a treatment program for sexual disorders, as approved by the Probation Department. She shall contribute to the cost of such services rendered and/or any psychotropic medications prescribed to the degree she is able to do so, and shall cooperate in securing any applicable third party payment. The defendant shall disclose all financial information and documents to the Probation Department to assess her ability to pay. As part of the treatment program for sexual disorders, the defendant shall participate in polygraph examinations to obtain information necessary for risk management and correctional treatment.
- C. If an identified victim completes a loss affidavit within 90 days, the court will award restitution. Ms. Robertson shall provide compensation to her victims, and she shall pay the victim's health treatment expenses, to the extent necessary.
- D. Ms. Robertson shall not associate or have contact with convicted sex offenders and shall not associate with any children under the age of 18, unless a responsible adult is present and she has prior approval from the Probation Department.
- E. Unless otherwise indicated in the treatment plan provided by the sex offender treatment program, the defendant is prohibited from viewing, owning or possessing obscene, or sexually stimulating visual or auditory material involving children or adolescents.
- F. If the defendant cohabitates with an individual who has minor children, she will inform that other party of her prior criminal history concerning her sex offense. Moreover, she will notify the party of her prohibition of associating with any children under the age of 18, unless a responsible adult is present and she has prior approval from the U.S. Probation Department.
- G. The defendant is not to use a computer, Internet capable device, or similar electronic device to access child pornography of any kind. The term "child pornography" shall include images or videos of minors engaged in "sexually explicit conduct" as that term is defined in Title 18 U.S.C. Section § 2256 (2). Ms. Robertson shall also not use a computer, Internet-capable device, or similar electronic device to view images of naked children. Ms. Robertson shall not use her computer to view child pornography or images of naked children stored on related computer media, such as CDs or DVDs, and shall not communicate via her computer with any individual or group that promotes child pornography or the sexual abuse of children. The defendant shall also cooperate with the U.S. Probation Department's Computer and Internet Monitoring program. Cooperation shall include, but not be limited to, identifying computer systems, Internet capable devices, and/or similar electronic devices the defendant has access to, and allowing the installation of monitoring software/hardware on said devices, at the defendant's expense.
- H. Ms. Robertson shall submit her person, residence, place of business, vehicle, papers, computers, or other electronic communications or data storage devices or media, or office, to a search on the basis that the probation officer has reasonable belief that evidence of a violation of conditions of release may be found. The search must also be done in a reasonable manner and at a reasonable time. Failure to submit to search may be grounds for revocation, and Ms. Robertson shall inform any other residents that the premises may be subject to search pursuant to this condition.
- I. Defendant will not purchase or possess photographic or video equipment without prior knowledge and permission by the U.S. Probation Department.
- J. Ms. Robertson shall not possess a firearm, ammunition, or destructive device.

Forfeiture: Ms. Robertson shall forfeit all visual depictions and property traceable to or used or intended to be used to commit the offenses, including, but not limited to, a Dell Laptop, three external hard drives, a Microdrive, an SD card, a video cassette tape and fourteen compact discs

Restitution: The record will remain open for 90 days to receive affidavits of loss from the defendant's victims to indicate any monetary loss resulting from the instant offense.

AO 245B (Rev. 09/11) Judgment in a Criminal Case
Sheet 5 — Criminal Monetary PenaltiesJudgment — Page 5 of 6DEFENDANT: Colette Robertson
CASE NUMBER: 13CR486[KAM]**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0	The record will remain open for 90 days to receive affidavits from defendant's victims.

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	\$ _____
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- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 09/11) Judgment in a Criminal Case
Sheet 6 — Schedule of Payments

Judgment — Page 6 of 6

DEFENDANT: Colette Robertson
CASE NUMBER: 13CR486[KAM]

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
The assessment payment shall be mailed to the Clerk of Court, U.S. District Court, 225 Cadman Plaza East, Brooklyn, New York 11201.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.